

IN THE CLAIMS

Please amend the claims to read as follows:

Listing of Claims:

1. (Currently Amended) A reception apparatus comprising:
a receiver that receives a control channel including control information and a data channel;
a comparator that compares the control information with a reception capability of the reception apparatus;
a detector that ~~performs error detection on~~ detects an error in a decoding result of the data channel;
a transmitter that transmits an ACK signal or a NACK signal according to a detection result in the detector; and
a controller that ~~makes~~ receives a comparison output from said comparator and controls the transmitter to transmit neither the ACK signal nor the NACK signal ~~when~~ based on a determination that the control information is out of a scope of exceeds the reception capability of the reception apparatus.
2. (Currently Amended) The reception apparatus according to claim 1, further comprising a determiner that determines

whether or not the control channel information is a control channel information intended for the reception apparatus,

wherein the controller ~~makes~~ receives a determination output from said determiner and controls the transmitter to transmit the ACK signal or the NACK signal, when based on a determination that the control channel is a control channel intended for the reception apparatus and the control information is within the scope of the reception capability of the reception apparatus.

3. (Currently Amended) The reception apparatus according to claim 1, wherein ~~the controller makes the receiver receive the~~ data channel is received using the control information.

4. (Previously Presented) The reception apparatus according to claim 1, wherein the control channel is HS-SCCH, while the data channel is HS-PDSCH.

5. (Currently Amended) The reception apparatus according to claim 1, wherein when the a number of multicodes required to receive the data channel indicated in the control information exceeds the a number of multicodes that the reception apparatus is capable of handling, the controller determines that the

control information ~~is out of the scope of~~ exceeds the reception capability of the reception apparatus.

6. (Currently Amended) The reception apparatus according to claim 1, wherein when a modulation scheme used in transmitting the data channel indicated in the control information is a modulation scheme that the reception apparatus is not capable of handling, ~~it is determined~~ the controller determines that the control information ~~is out of the scope of~~ exceeds the reception capability of the apparatus.

7. (Previously Presented) A radio communication mobile station apparatus comprising the reception apparatus according to claim 1.

8. (Currently Amended) A radio communication method used in a radio mobile station apparatus that receives a data channel using control information transmitted on a control channel, said method comprising: ~~wherein when~~

(a) determining whether a situation exists wherein the control channel ~~information~~ is a control channel information intended for the radio mobile station apparatus and the control

information is within a scope of a reception capability of the radio mobile station apparatus, and

(b) based on a determination that said situation exists,
transmitting an ACK signal or a NACK signal ~~is transmitted~~ based on an error detection result of the data channel.

9. (New) A radio communication method used in a radio mobile station, the method comprising the steps of:

(a) receiving a control channel including control information and a data channel;

(b) comparing the control information with a reception capability of the radio mobile station;

(c) detecting an error in a decoding result of the data channel; and

(d) determining whether to transmit an ACK signal or a NACK signal according to a detection result in step (c) and according to a comparison result in step (b), wherein neither the ACK signal nor the NACK signal is transmitted based on a determination that the control information exceeds the reception capability of the radio mobile station.

10. (New) The radio communication method according to claim 9, wherein the data channel is received using the control information.

11. (New) The radio communication method according to claim 9, wherein the control channel is HS-SCCH, while the data channel is HS-PDSCH.

12. (New) The radio communication method according to claim 9, further comprising determining that the control information exceeds the reception capability of the radio mobile station based on a determination that a number of multicodes required to receive the data channel indicated in the control information exceeds a number of multicodes that the radio mobile station is capable of handling.

13. (New)) The radio communication method according to claim 9, further comprising determining that the control information exceeds the reception capability of the radio mobile station based on a determination that a modulation scheme used in transmitting the data channel indicated in the control

information is a modulation scheme that the radio mobile station is not capable of handling.